

**REAL ESTATE APPRAISERS BOARD
MINUTES
AUGUST 22, 2012**

PRESENT: Marla Britton, Sharon Fiedler, Lawrence Nicholson, Henry Simon

ABSENT: Jose Perez

STAFF: Berni Mattsson, Bureau Director; Lydia Thompson, Legal Counsel; David Carlson, Bureau Assistant; other DSPS staff.

GUESTS: Debbie Conrad, Wisconsin Realtors Association.

CALL TO ORDER

Marla Britton, Chair, called the meeting to order at 9:40 a.m. A quorum of four (4) members was confirmed.

APPROVAL OF AGENDA

Amendments:

- Add revised Maldonado Stipulation
- Add consideration of case 09 APP 102, John Hill as item E6 and J6.
- Add materials to end of item M9.
- Delete item C
- Add D, Disciplinary Action Matrix

MOTION: Simon moved, seconded by Nicholson, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MAY 9, 2012

MOTION: Nicholson, seconded by Simon, to approve the minutes of May 9, 2012. Motion carried unanimously.

EXECUTIVE DIRECTOR MATTERS

Berni Mattsson noted that elections for Board Officers will now be held at first meeting each year. Berni also noted that all late agenda items MUST be in 24 hours before meeting time and noted that we will not be recording meetings and will only be doing "action item" minutes.

REVIEW OF DISCRETIONARY DISCIPLINARY ACTION MATRIX

PRESENTATION OF PROPOSED STIPULATION(S)

All proposed stipulations will be deliberated in closed session.

REVIEW OF REAL PROPERTY APPRAISER QUALIFICATION CRITERIA

MOTION: Fiedler moved, Nicholson seconded, to request that the DSPS Secretary meet with the Board at a future meeting to discuss the changes to the Real Property Appraiser Qualification Criteria, which will be effective January 1, 2015.

INFORMATIONAL ITEMS

There were no informational items

PUBLIC COMMENTS

There were no public comments.

CONVENE TO CLOSED SESSION

MOTION: Nicholson moved, seconded by Fiedler, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; to consider licensure or discipline (s. 19.85(1)(b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats. Motion carried by roll call vote: Marla Britton-yes, Sharon Fiedler-yes; Lawrence Nicholson-yes; Henry Simon - yes.

Open Session recessed at 11:25 a.m.

RECONVENE TO OPEN SESSION

MOTION: Simon moved, seconded by Fiedler, to reconvene into Open Session.
Motion carried unanimously.

Open session reconvened at 1:39 p.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON
IN CLOSED SESSION**

ADMINISTRATIVE WARNINGS

12 APP 011

MOTION: Simon moved, seconded by Nicholson to issue an
Administrative Warning, as recommended by the Department, in Case 12
APP 011 Motion carried.

12 APP 012

MOTION: Nicholson moved, seconded by Simon to issue an
Administrative Warning, as recommended by the Department, in Case 12
APP 012 Motion carried.

12 APP 013

MOTION: Simon moved, seconded by Nicholson to issue an
Administrative Warning, as recommended by the Department, in Case 12
APP 013. Motion carried.

12 APP 014

MOTION: Fiedler moved, seconded by Nicholson to issue an
Administrative Warning, as recommended by the Department, in Case 12
APP 014. Motion carried.

12 APP 015

MOTION: Fiedler moved, seconded by Nicholson to issue an
Administrative Warning, as recommended by the Department, in Case 12
APP 015. Motion carried.

12 APP 016

MOTION: Simon moved, seconded by Fiedler to issue an
Administrative Warning, as recommended by the Department, in Case 12
APP 016. Motion carried.

12 APP 017

MOTION: Fiedler moved, seconded by Simon to issue an Administrative Warning, as recommended by the Department, in Case 12 APP 017. Motion carried.

12 APP 020

MOTION: Fiedler moved, seconded by Nicholson to issue an Administrative Warning, as recommended by the Department, in Case 12 APP 020. Motion carried.

12 APP 022

MOTION: Simon moved, seconded by Nicholson to issue an Administrative Warning, as recommended by the Department, in Case 12 APP 022. Motion carried.

12 APP 027

MOTION: Nicholson moved, seconded by Fiedler to issue an Administrative Warning, as recommended by the Department, in Case 12 APP 027. Motion carried.

12 APP 029

MOTION: Simon moved, seconded by Fiedler to issue an Administrative Warning, as recommended by the Department, in Case 12 APP 029. Motion carried.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

JOHN KRUEGER

11 APP 048

MOTION: Fiedler moved, seconded by Simon to adopt the Stipulation, Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against John Krueger. Motion carried.

RICHARD BEYER

11 APP 040

MOTION: Nicholson moved, seconded by Fiedler to adopt the Stipulation, Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Richard Beyer. Motion carried.

ELLEN PHILLIPS

11 APP 040

MOTION: Fiedler moved, seconded by Simon to adopt the Stipulation, Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Ellen Phillips. Motion carried.

FELIPE MALDONADO

11 APP 037

MOTION: Nicholson moved, seconded by Simon to adopt the Stipulation, Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Felipe Maldonado. Motion carried.

RALPH BAUCH

11 APP 035

MOTION: Fiedler moved, seconded by Simon to adopt the Stipulation, Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Ralph Bauch. Motion carried.

JOHN HILL

09 APP 102

MOTION: Fiedler moved, seconded by Simon to table case 09 APP 102. Nicholson recused himself from deliberations and voting. Motion carried.

CASE CLOSINGS

11 APP 041

MOTION: Nicholson moved, seconded by Simon, to close case **11 APP 041** pursuant to prosecutorial discretion (P7). Motion carried.

11 APP 051

MOTION: Fiedler moved, seconded by Nicholson, to close case **11 APP 051** pursuant to prosecutorial discretion (P7). Motion carried.

MONITORING

DONALD WERGIN

MOTION: Nicholson moved, seconded by Fiedler to deny the petition for reinstatement of licensure based on failure to comply with the Board Orders of March 22, 2012 and August 25, 2010, and to direct the Division of Enforcement to open a new case for investigation for potential violation of a Board Order. Motion carried.

STEPHEN C. FAIRBAIRN

MOTION: Fiedler moved, seconded by Nicholson to direct the Division of Enforcement to continue its investigation of Fairbairn for potential violation of a Board Order. Motion carried.

BETH ROBERTS

MOTION: Nicholson moved, seconded by Simon to deny the request to remove the limitations on her credential for failure to provide the required work logs with her petition pursuant to the Board's order of August 12, 2009. Motion carried.

DONALD WALDVOGEL

MOTION: Fiedler moved, seconded by Nicholson to deny the request for a voluntary surrender of his credential. The Board further determines that if Mr. Waldvogel does not complete the education requirements specified in the Board's Orders of September 3, 2010 and September 6, 2011 by September 1, 2012, he shall be suspended. Motion carried.

ADJOURNMENT

MOTION: Fiedler moved, seconded by Nicholson, to adjourn the meeting at 1:52 p.m. Motion carried unanimously.